

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER WARD-MALONE,

Defendant.

No. CR12-4068-LTS

**MEMORANDUM
OPINION AND ORDER**

This matter is before me on defendant Christopher Ward-Malone's pro se motion (Doc. 245) pursuant to Federal Rule of Civil Procedure 60(b). The Government has filed a resistance (Doc. 248).

Ward-Malone's case history is long and has been set out in numerous previous orders. *See, e.g.*, Doc. 180. In short, his case is closed, his appeals have been denied, as have his habeas motions.¹ Since exhausting his legitimate post-conviction avenues for relief, Ward-Malone has filed a constant stream of motions requesting various documents and discovery. *See e.g.*, Docs. 130, 146, 147, 150, 179, 189, 192, 196, 243.

Ward-Malone's current motion is denied for the reasons set out in the Government's resistance. Specifically, this motion is nothing more than another attempted end around the bar on successive § 2255 motions. *See Boyd v. United States*, 304 F.3d 813, 814 (8th Cir. 2002) (per curiam) ("[i]f the district court determines the Rule 60(b) motion is actually a second or successive habeas petition, the district court should dismiss it for failure to obtain authorization from the Court of Appeals..."). Thus,

¹ As noted in the Government's resistance to the instant motion, Ward-Malone has requested leave to file a second or successive 28 U.S.C. § 2255 motion at least eight times, and each has been denied by the Eighth Circuit Court of Appeals.

Ward-Malone's motion (Doc. 245) is **denied**, and no certificate of appealability shall issue.

Finally, I note that I have previously admonished Ward-Malone about filing frivolous motions for discovery and he has been informed that such motions will be summarily denied. *See* Doc. 197. Regardless, Ward-Malone has continued to file frivolous requests. *See* Doc. 243. Ward-Malone is hereby put on notice that any further frivolous filings will result in an order requiring him to show cause as to why he should not be monetarily sanctioned.

IT IS SO ORDERED.

DATED this 15th day of August, 2023.



Leonard T. Strand, Chief Judge